

State of Wisconsin



2003 Senate Bill 214

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT to renumber and amend 29.091, 29.621 (4), 941.23, 941.235 (2) and 943.13 (2); to amend 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm), 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r) (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2) (d), 943.13 (1m) (b) and 943.13 (3); and to create 29.091 (2), 29.621 (4) (b), 55.06 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50, 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b), 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes; relating to: carrying or going armed with a concealed weapon, background checks for handgun purchases, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (3) (e) of the statutes is amended to read:

23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, ~~or~~, This paragraph does not apply to the possession of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

(em) With any bow unless it is unstrung or enclosed in a carrying case.

SECTION 2. 29.089 (2) of the statutes is amended to read:

29.089 (2) Except as provided in sub. (3), no person may have in his or her possession or under his or her con-

trol a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1) (bm), and the person holds a valid license to carry a concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 3. 29.091 of the statutes is renumbered 29.091 (1) and amended to read:

29.091 (1) No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

SECTION 4. 29.091 (2) of the statutes is created to read:

29.091 (2) The prohibition of the possession or control of a loaded or unencased gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 5. 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended to read:

29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or, except as provided in par. (b), have in his or her possession or under his or her control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. Nothing in this section may prohibit, prevent or interfere with the department in the destruction of injurious animals.

SECTION 6. 29.621 (4) (b) of the statutes is created to read:

29.621 (4) (b) The prohibition of the possession or control of a loaded or unencased gun or firearm in par. (a) does not apply to the possession of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 7. 51.20 (13) (cv) 4. of the statutes is amended to read:

51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall notify the department of justice of that fact and provide any information identifying the subject individual that is necessary to permit an accurate involuntary commitment history record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No other information from the subject individual's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this subdivision only as part of an involuntary commitment history record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 8. 51.20 (16) (gm) of the statutes is amended to read:

51.20 (16) (gm) Upon a request under par. (a), a court may cancel the prohibition under sub. (13) (cv) 1. if the court determines, based on evidence presented on the

issue of the subject individual's dangerousness, that there no longer is a substantial probability that the individual may use a firearm to cause physical harm to himself or herself or endanger public safety. If a court cancels a prohibition under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the department of justice of that fact and provide any information identifying the subject individual that is necessary to permit an accurate involuntary commitment record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No other information from the subject individual's court records may be disclosed to the department of justice except by order of the court.

SECTION 9. 51.30 (3) (a) of the statutes is amended to read:

51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g. and 3. and under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this chapter shall be closed but shall be accessible to any individual who is the subject of a petition filed under this chapter.

SECTION 10. 55.06 (17) (d) of the statutes is created to read:

55.06 (17) (d) Notwithstanding par. (a), information from records described in par. (a) may be disclosed under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

SECTION 11m. 59.25 (3) (u) of the statutes is created to read:

59.25 (3) (u) 1. In this paragraph, "allocated license fees" means all money received by the sheriff under s. 175.50 (7) (bd) or (15) (b) 4. a. or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bd) or (15) (b) 4. a.

2. Deposit all of the following in the general fund of the county:

a. All allocated license fees, other than money derived from allocated license fees that is deposited under subd. 5. b. in the segregated fund created under subd. 5. a.

b. All money received by the sheriff under s. 175.50 (7) (bp), (13), and (15) (b) 4. c., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bp), (13), and (15) (b) 4. c.

3. Forward all money received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the state treasurer for deposit in the general fund.

4. Deposit in the law enforcement excellence fund established under s. 175.50 (20) all money received by the sheriff under s. 175.50 (7) (bt) and (15) (b) 4. d., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bt) and (15) (b)

4. d., and make payments from the fund for the purposes of s. 175.50 (20) (b).

5. a. Establish a segregated fund, payments from which may be used by the sheriff for law enforcement purposes but which may not be used to supplant or replace other funds otherwise available to the sheriff.

b. Deposit the amount of money, as determined by the treasurer, by which the allocated license fees exceed the county's costs in issuing licenses to carry a concealed weapon under s. 175.50, including any such costs incurred under an agreement under s. 175.50 (2) (c).

c. Make payments from the fund as directed by the sheriff.

SECTION 12. 165.25 (11) of the statutes is created to read:

165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate rules specifying all of the following:

1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and a license may be revoked under s. 175.50 (14) with respect to a person who is issued a license under s. 175.50 (9r) and who, as a result of being licensed, poses a substantial risk to others.

2. A procedure to provide sheriffs notice of any order entered under s. 175.50 (10m) prohibiting a person from being licensed to carry a concealed weapon.

(b) Determine which states issue permits or licenses to carry a concealed weapon to persons who meet firearms training requirements similar to those in s. 175.50 (4m) (a) to (g) and pass criminal background checks in those states and promulgate by rule a list of those states.

SECTION 13. 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

SECTION 14. 165.82 (2) of the statutes is amended to read:

165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of justice shall not impose fees for criminal history searches for purposes related to criminal justice.

SECTION 15. 167.31 (4) (ar) of the statutes is created to read:

167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply to the placement, possession, transportation, or loading of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 16. 175.35 (1) (am) of the statutes is created to read:

175.35 (1) (am) "Disqualifying mental health adjudication" means one of the following events if it occurs

in a proceeding that was not commenced by the person who is the subject of the proceeding and if it is based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease:

1. An order entered by a court in this state that commits a person for treatment in an inpatient mental health facility.

2. A determination by a court in this state that a person is a danger to himself or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract or manage his or her own affairs.

SECTION 17. 175.35 (1) (at) of the statutes is amended to read:

175.35 (1) (at) "Firearms restrictions record search" means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication. "Firearms restriction record search" includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3), and a search to determine whether the person is prohibited from possessing a firearm under s. 813.125 (4m).

SECTION 18. 175.35 (2) (d) of the statutes is amended to read:

175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c., have elapsed from the time that the firearms dealer has received a confirmation number regarding the firearms restrictions record search under sub. (2g) (c) from the department of justice and the firearms dealer has not been notified that the transfer would be in violation of s. 941.29 or that the transferee would be prohibited from possessing a firearm based on a disqualifying mental health adjudication.

SECTION 19. 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm under s. 941.29.

b. If the search indicates that the transferee is not prohibited from possessing a firearm under s. 941.29 or

based on a disqualifying mental health adjudication, the department shall provide the firearms dealer with a unique approval number.

SECTION 20. 175.35 (2k) (ar) 2. of the statutes is amended to read:

175.35 (2k) (ar) 2. Check each duplicate notification form received under sub. (2j) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the department shall destroy all records regarding that firearms restrictions record search within 30 days after receiving the duplicate form.

SECTION 21. 175.50 of the statutes is created to read:

175.50 License to carry a concealed weapon. (1)

DEFINITIONS. In this section:

(ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

(abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

(ac) "Background check" means a search of department and court records conducted under sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

(ag) Except in subs. (2g) (b) and (11) (c) 1. b., "carry" means to go armed with.

(ah) "Controlled substance" means a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

(aj) "Department" means the department of justice.

(am) "Drunk driving offense" means any of the following:

1. A violation of s. 346.63 or a local ordinance in conformity with that section.

2. A violation of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63.

3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m), that prohibits use of a motor vehicle while intoxicated, while under the influence of a controlled substance, a controlled substance analog, or a combination thereof, with an excess or specified range of alcohol concentration, or while under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.

(bm) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined in s.

941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

(bq) "Intoxicant" means any alcohol beverage, controlled substance, or other drug, or any combination thereof.

(c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(d) "Licensee" means an individual holding a valid license to carry a concealed weapon issued under this section.

(e) "Misdemeanor crime of violence" means any of the following:

1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation of s. 947.01.

2. A crime under federal law or the law of another state that is comparable to a crime described in subd. 1.

(eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile is delinquent for an act that would be a misdemeanor if committed by an adult.

(f) "Out-of-state authorization" means a valid permit document or a valid license document issued by another state if all of the following apply:

1. The permit document or license document documents that a person is authorized under the law of that state to carry a concealed weapon in that state.

2. The state is listed in the rule promulgated by the department of justice under s. 165.25 (11) (b).

(g) "Out-of-state licensee" means an individual who is 21 years of age or over, who is not a Wisconsin resident, who has been issued an out-of-state authorization, and who is not prohibited from possessing a firearm under s. 941.29 or from possessing a firearm that has been transported in interstate or foreign commerce under federal law.

(h) "Private property" has the meaning given in s. 943.13 (1e) (e).

(i) "Proprietor" means a person to whom a Class "B" or "Class B" license or permit has been issued under ch. 125.

(ig) "Purpose of authorized analysis" means for the purpose of determining or obtaining evidence of the presence, quantity, or concentration of any intoxicant in a person's blood, breath, or urine.

(is) "Test facility" means a test facility or agency prepared to administer tests under s. 343.305 (2).

(j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

(2) **ISSUANCE OF LICENSE.** (a) Except as provided in pars. (b) 1. and (c), each county, through its sheriff, shall issue licenses to carry a concealed weapon to an individual who meets the qualifications specified in sub. (3) and who completes the application process specified in sub. (7). A license to carry a concealed weapon issued under this section shall meet the requirements specified in sub. (2m).

(b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed weapon under this section if, before the first day of the 4th month beginning after the effective date of this subdivision [revisor inserts date], all of the following occur:

a. The sheriff requests the county board of the sheriff's county to authorize him or her to decline to issue licenses to carry a concealed weapon under this section.

b. After receiving a request from the sheriff under subd. 1. a., the county board of the sheriff's county grants the sheriff's request by a two-thirds vote of all the members of the board.

2. At any time the county board of the sheriff's county may rescind the authorization it grants under subd. 1. by a two-thirds vote of all members of the county board.

(c) Any 2 or more sheriffs may by agreement jointly exercise powers granted to them and discharge duties imposed on them under this section. An agreement for joint issuance of licenses to carry a concealed weapon under this section may be entered into at any time and shall satisfy all of the following criteria:

1. The agreement shall be in writing.

2. The agreement shall be approved by the county board of the county of each sheriff who is a party to the agreement.

2m. The agreement shall specify how the powers and duties that are the subject of the agreement are to be allocated among the sheriffs that are parties to the agreement.

3. The agreement shall specify how costs incurred and moneys received under this section shall be apportioned among the sheriffs who are a party to the agreement and their respective counties.

4. The agreement shall designate one county to be identified as the county of issuance.

5. If a sheriff who is party to an agreement has issued licenses under this section before entering into the agreement, the agreement shall provide for the renewal of any licenses that were issued by that sheriff before he or she entered into the agreement.

(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed weapon anywhere in this state except as provided under sub. (15m) or (16) or s. 941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person may have under s. 943.13 (1m) (c) to prohibit a licensee or an out-of-state licensee from entering or remaining in a building used by a health care facility, as defined in s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448 if the licensee or out-of-state licensee is carrying a concealed weapon. In this paragraph, "building" includes a part of a building.

(b) A licensee shall carry his or her license document and an out-of-state licensee shall carry his or her out-of-

state authorization at all times during which he or she is going armed with a concealed weapon.

(c) If he or she is carrying a concealed weapon, a licensee shall display his or her license document and an out-of-state licensee shall display his or her out-of-state authorization to a law enforcement officer upon the request of the law enforcement officer.

(2i) PRELIMINARY BREATH SCREENING TEST. (a) *Requirement.* A person shall provide a sample of his or her breath for a preliminary breath screening test if a law enforcement officer has probable cause to believe that the person is violating sub. (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the person provide this sample.

(b) *Use of test results.* A law enforcement officer may use the results of a preliminary breath screening test for the purpose of deciding whether or not to arrest a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or not to request a chemical test under sub. (2k). Following the preliminary breath screening test, chemical tests may be required of the person under sub. (2k).

(c) *Admissibility.* The result of a preliminary breath screening test is not admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to show that a chemical test was properly required of a person under sub. (2k).

(d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b) nor the general penalty provision under s. 939.61 applies to that violation.

(2j) IMPLIED CONSENT. Any person who carries a concealed weapon in this state is deemed to have given consent to provide one or more samples of his or her breath, blood, or urine for the purpose of authorized analysis as required under sub. (2k). Any person who carries a concealed weapon in this state is deemed to have given consent to submit to one or more chemical tests of his or her breath, blood, or urine for the purpose of authorized analysis as required under sub. (2k).

(2k) CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A person shall provide one or more samples of his or her breath, blood, or urine for the purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm) 1. and if he or she is requested to provide the sample by a law enforcement officer. A person shall submit to one or more chemical tests of his or her breath, blood, or urine for the purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law enforcement officer.

2. 'Information.' A law enforcement officer requesting a person to provide a sample or to submit to a chemical test under subd. 1. shall inform the person of all of the following at the time of the request and prior to obtaining the sample or administering the test:

a. That he or she is deemed to have consented to tests under sub. (2i).

b. That a refusal to provide a sample or to submit to a chemical test constitutes a violation under par. (e) and is subject to the same penalties and procedures as a violation of sub. (16) (cm) 1.

c. That in addition to the designated chemical test under par. (b) 2. he or she may have an additional chemical test under par. (c) 1.

3. 'Unconscious person.' A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this paragraph, and if a law enforcement officer has probable cause to believe that the person violated sub. (16) (cm) 1., one or more chemical tests may be administered to the person without a request under subd. 1. and without providing information under subd. 2.

(b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement officer, a test facility shall administer a chemical test of breath, blood, or urine for the purpose of authorized analysis. A test facility shall be prepared to administer 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized analysis. The department may enter into agreements for the cooperative use of test facilities.

2. 'Designated chemical test.' A test facility shall designate one chemical test of breath, blood, or urine which it is prepared to administer first for the purpose of authorized analysis.

3. 'Additional chemical test.' A test facility shall specify one chemical test of breath, blood, or urine, other than the test designated under subd. 2., which it is prepared to administer for the purpose of authorized analysis as an additional chemical test.

4. 'Validity; procedure.' A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of the laboratory of hygiene, department of health and family services, and department of transportation under s. 343.305 (6) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this subsection. Blood may be withdrawn from a person arrested for a violation of sub. (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician assistant, or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person, and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

5. 'Report.' A test facility which administers a chemical test of breath, blood, or urine for the purpose of authorized analysis under this subsection shall prepare a written report which shall include the findings of the chemical test, the identification of the law enforcement officer or the person who requested a chemical test, and the identification of the person who provided the sample

or submitted to the chemical test. The test facility shall transmit a copy of the report to the law enforcement officer and the person who provided the sample or submitted to the chemical test.

(c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to provide a sample or to submit to a test under par. (a) 1., the person may request the test facility to administer the additional chemical test specified under par. (b) 3. or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis.

2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is not requested to provide a sample or to submit to a test under par. (a) 1., the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under par. (b) 2. or the additional chemical test under par. (b) 3.

3. 'Compliance with request.' A test facility shall comply with a request under this paragraph to administer any chemical test that it is able to perform.

4. 'Inability to obtain chemical test.' The failure or inability of a person to obtain a chemical test at his or her own expense does not preclude the admission of evidence of the results of a chemical test required and administered under pars. (a) and (b).

(d) *Admissibility; effect of test results; other evidence.* The results of a chemical test required or administered under par. (a), (b), or (c) are admissible in any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol concentrations at or above specified levels or was under the influence of an intoxicant. Results of these chemical tests shall be given the effect required under s. 885.235. This subsection does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(e) *Refusal.* No person may refuse a lawful request to provide one or more samples of his or her breath, blood, or urine or to submit to one or more chemical tests under par. (a). A person shall not be deemed to refuse to provide a sample or to submit to a chemical test if it is shown by a preponderance of the evidence that the refusal was due to a physical inability to provide the sample or to submit to the test due to a physical disability or disease unrelated to the use of an intoxicant. Issues in any

action concerning a violation of par. (a) or this paragraph are limited to:

1. Whether the law enforcement officer had probable cause to believe the person was violating or had violated sub. (16) (cm) 1.

2. Whether the person was lawfully placed under arrest for violating sub. (16) (cm) 1.

3. Whether the law enforcement officer requested the person to provide a sample or to submit to a chemical test and provided the information required under par. (a) 2. or whether the request and information were unnecessary under par. (a) 3.

4. Whether the person refused to provide a sample or to submit to a chemical test.

(2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and (d), the department shall design a single license document for licenses issued and renewed under this section. The department shall complete the design of the license document no later than the first day of the 4th month beginning after the effective date of this paragraph ... [revisor inserts date], and shall distribute the design for the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the sheriff to use for licenses that he or she issues under this section.

(b) A license document for a license issued under this section shall contain all of the following on one side:

1. The full name, date of birth, and residence address of the licensee.

2. A color photograph of the licensee.

3. A physical description of the licensee, including gender, height, weight, and hair and eye color.

4. The date on which the license was issued.

5. The date on which the license expires.

6. The name of this state.

7. The name of the county that issues the license.

8. A unique identification number for each licensee that begins with a unique code number, which the department shall establish, for the county listed in subd. 7.

(c) The license document may not contain the licensee's social security number.

(d) A license document issued under this section shall be, to the maximum extent possible, tamper proof. The contents of the license document shall be included in the document in substantially the same way that the contents of an operator's license document issued under s. 343.17 are included on that document.

(3) QUALIFICATIONS FOR OBTAINING A LICENSE. An individual is eligible for a license under this section if all of the following apply:

(a) The individual is at least 21 years of age.

(b) The individual does not have a physical disability that prevents him or her from safely handling a weapon. The department shall promulgate rules specifying the procedures and definitions that the sheriff is required to apply when determining whether an individual is inelig-

ble for a license under this section because he or she has a physical disability that prevents him or her from safely handling a weapon.

(c) The individual is not prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.

(d) The individual is not prohibited from possessing a firearm under s. 941.29.

(e) During the preceding 3 years, the individual has not been civilly committed under s. 51.20 for being drug dependent.

(f) During the preceding 3 years, the individual has not been convicted for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch. 961 or of a federal law or a law of another state that is comparable to any provision of ch. 961.

(g) The individual does not chronically and habitually use alcohol beverages or other substances to the extent that his or her normal faculties are impaired. A person is presumed chronically and habitually to use alcohol beverages or other substances to the extent that his or her normal faculties are impaired if, within the preceding 3 years, any of the following applies:

1. The individual has been committed for involuntary treatment under s. 51.45 (13).

2. The individual has been convicted of a violation of s. 941.20 (1) (b).

3. In 2 or more cases arising out of separate incidents, a court has found the individual to have committed a drunk driving offense.

(h) The individual has done one of the following:

2. Successfully completed a National Rifle Association firearm training or firearm safety course or class that meets the requirements under sub. (4m).

3. Successfully completed a firearm training or firearm safety course or class that meets the requirements under sub. (4m) and that is conducted by an instructor certified by the state in which the course or class was conducted, by the National Rifle Association, or by another national or state organization that certifies firearms instructors.

4. Successfully completed a firearm safety or firearm training course or class that is available to the general public, that meets the requirements under sub. (4m), and that is offered by a law enforcement agency, a private or public school, institution, or organization, or a firearm training school, if the course or class uses instructors certified by the National Rifle Association, by another national or state organization that certifies firearms instructors, or by the department or if the curriculum meets the minimum requirements of the law enforcement standards board.

5. Successfully completed a firearm safety or firearm training course or class that meets the requirements under sub. (4m) and that is offered for law enforcement officers, correctional officers, special deputies, private detectives

licensed under s. 440.26, or other security or law enforcement personnel.

6. Participated in organized shooting competitions or military training that gave the applicant experience with firearms that the sheriff determines is substantially equivalent to any course or class specified in subds. 2. to 5.

(i) The individual has not been found incompetent under ch. 880 or, if the individual has been found incompetent under ch. 880, he or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

(im) The individual was not the subject of a protective placement under s. 55.06 as a minor unless at least 5 years have elapsed from the date on which his or her protective placement ended.

(j) The individual has not been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability or, if the individual has been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability, he or she shows, through evidence from a psychiatrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(k) The individual has not been found incompetent under s. 971.14 or, if the individual has been found incompetent under s. 971.14, one of the following applies:

1. He or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

2. He or she was not subsequently found to be competent and he or she shows, through evidence from a psychiatrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(L) The individual has not been found not guilty by reason of mental disease or defect under s. 971.17 or, if the individual has been found not guilty by reason of mental disease or defect under s. 971.17, he or she presents evidence from a psychiatrist licensed in this state that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(m) Within the preceding 3 years, the individual was not convicted of a misdemeanor crime of violence or was not serving a sentence, on probation, or subject to a dispositional order under ch. 938 for committing a misdemeanor crime of violence.

(mg) The individual has not been prohibited from obtaining a license under sub. (10m) based on the individual having committed a misdemeanor crime of violence.

(n) The individual has not been charged with a felony or a misdemeanor crime of violence for which the prosecution was suspended under a deferred prosecution

agreement unless 3 years have elapsed since the date of the agreement.

(o) The individual is not the subject of any pending civil or criminal case, the disposition of which could disqualify him or her from having a license under this subsection.

(p) The individual has not previously submitted an application for a license under this section to any county and had the application denied, unless each reason for the denial is no longer applicable because of changed circumstances or, if the denial was based on a restriction under this subsection that applies for a specified period of time, because that time period has run.

(q) The individual has not had a license that was issued under this section revoked, unless each reason for the revocation is no longer applicable because of changed circumstances or, if the revocation was based on a restriction under this subsection that applies for a specified period of time, because that time period has run.

(r) The individual has not been convicted under sub. (17) (c), (d), or (e).

(s) The individual is a Wisconsin resident.

(3m) FEDERAL PREEMPTION. The requirements under sub. (3) (e), (g) 1., (i), (im), (j), (k), and (L) apply only to a person who may lawfully possess a firearm under federal law.

(4m) COURSE OR CLASS REQUIREMENTS. A firearm training or firearm safety course or class under sub. (3) (h) 2. to 5. shall provide the person taking the course or class with information regarding electric weapons, as defined in s. 941.295 (4), and shall include all of the following:

(a) Instruction on how to handle, load, unload, and store handguns.

(b) Instruction on the privilege of self-defense and the defense of others under s. 939.48.

(c) Instruction on how to avoid injuring 3rd parties when defending himself, herself, or others in a manner that is privileged under s. 939.48.

(d) Basic self-defense principles.

(e) Instruction on how to carry a concealed handgun safely.

(f) Instruction on firing a handgun.

(g) Practice firing a handgun.

(5) APPLICATION AND RENEWAL FORMS. The department shall design an application form for use by individuals who apply for a license under this section and a renewal form for use by individuals applying for renewal of a license under sub. (15). The department shall complete the design of the application form no later than the first day of the 4th month beginning after the effective date of this subsection [revisor inserts date], and shall complete the design of the renewal form no later than the first day of the 54th month beginning after the effective date of this subsection [revisor inserts date]. The department shall distribute the designs for both forms to

any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the application forms and the license renewal forms described in this section. The forms designed by the department under this subsection shall only require the applicant to provide his or her name, address, date of birth, race, gender, height, weight, and hair and eye color and shall include all of the following:

(e) A statement that the applicant is eligible for a license if the requirements specified in sub. (3) are met.

(f) A statement explaining the privilege of self-defense and defense of others under s. 939.48, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

(g) A statement that the applicant has received a copy of this section, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the requirements of this section.

(h) A statement that the application is being made under oath and that an applicant may be prosecuted if he or she gives a false answer to any question on the application or submits a falsified document with the application.

(i) A statement of the penalties for giving a false answer to any question on the application or submitting a falsified document with the application.

(6) OATH. An applicant shall swear under oath that the information that he or she provides in an application submitted under sub. (7) and any document submitted with the application is true and complete to the best of his or her knowledge.

(7) SUBMISSION OF APPLICATION. An individual may apply for a license under this section with any sheriff. An applicant shall submit all of the following to the sheriff through whom he or she is applying for a license:

(a) An application in the form prescribed under sub. (5) that has been sworn to as required under sub. (6).

(bd) A license fee set by the sheriff issuing the license that does not exceed either the cost to the sheriff of issuing a license to an individual under this section, including the cost of equipment purchase or rental, or \$75, whichever is less.

(bh) The fee for a background check specified in sub. (9g) (c).

(bp) A shooting range improvement fee of \$15.

(bt) A law enforcement excellence fund fee of \$15.

(d) A photocopy of a certificate or other evidence showing the applicant's qualifications under sub. (3) (h).

(e) A full-face photograph of the applicant taken within the 30-day period immediately preceding the date of the applicant's application.

(9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted under sub. (7), a sheriff shall request that the department conduct a background check, as provided under sub. (9g).

(b) Subject to pars. (c) and (d), within 30 days after receiving an application under sub. (7), a sheriff shall do one of the following:

1. Issue the license and promptly send the licensee his or her license document by 1st class mail.

2. Deny the application, but only if the applicant fails to qualify under the criteria specified in sub. (3). If the sheriff denies the application, he or she shall inform the applicant in writing, stating the reason and factual basis for the denial to the extent permitted under federal law.

(c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the sheriff has received a confirmation number regarding the background check under sub. (9g) (b) 1. from the department, unless the department has notified the sheriff that the background check does not indicate that the applicant is disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

(d) The time period specified in par. (b) is tolled during the pendency of any action brought under sub. (10m).

(9g) BACKGROUND CHECKS. (a) A sheriff shall request that the department conduct a background check by calling the department, using a toll-free telephone number provided by the department, and providing the department with the name, date of birth, gender, and race of the applicant.

(b) Upon receiving a request under par. (a), the department shall conduct a background check using the following procedure:

1. The department shall provide the sheriff with a confirmation number confirming the receipt of the information under par. (a).

2. The department shall conduct the background check regarding an applicant for a license under this section. In conducting a background check under this subdivision, the department shall use the transaction information for management of enforcement system and the national crime information center system.

3. The department shall notify the sheriff, either during the initial telephone call or as soon thereafter as practicable, of the results of the background check as follows:

a. If the background check indicates that the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall provide the sheriff with a unique nonapproval number. The department shall disclose to the sheriff the reason the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

b. If the completed background check does not indicate that the applicant is disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall provide the sheriff with a unique approval number.

c. If the background check indicates that the applicant was the subject of a relevant criminal charge for which there is no recorded disposition or if, in the case of a misdemeanor delinquency adjudication, the back-

ground check does not indicate how long the resultant dispositional order was in effect, and the 7-day time period described in sub. (9) (c) has not yet run, that time period is extended by 72 hours. The department shall notify the sheriff of the extension as soon as practicable. During the extended period, the department shall make all reasonable efforts to obtain the missing information and shall notify the sheriff of the results of its efforts as soon as practicable.

(bm) The department shall conduct the background check under par. (b) immediately if, when requesting it under par. (a), the sheriff informs the department that the background check is for an applicant for an emergency license under sub. (9r).

(c) The department shall charge a sheriff a fee of \$8 for each background check that the sheriff requests under par. (a), except that the department shall waive the fee if, when requesting the background check, the sheriff informs the department that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from the applicant unless the fee is waived under sub. (9r) (c).

(d) A sheriff shall maintain the original record of all completed application forms and a record of all confirmation numbers and corresponding approval or non-approval numbers that he or she receives regarding background checks under this subsection. The sheriff shall mail a duplicate copy of each completed application form to the department.

(e) 1. The department shall check each duplicate application form received under par. (d) against the information recorded by the department regarding the corresponding request for a background check under this subsection. If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed application form indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records regarding that background check within 30 days after receiving the duplicate form. If the department previously provided a unique approval number regarding the request and the duplicate completed application form indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall immediately notify the sheriff who issued the license, and the sheriff shall revoke the license.

2. The department may maintain records necessary to administer this subsection and, for a period of not more than 3 years after the department issues a unique approval number, a log of dates of requests for background checks under this subsection together with confirmation numbers and unique approval and nonapproval numbers corresponding to those dates.

(f) The department shall promulgate rules authorizing it to obtain records necessary to determine an appli-

cant's eligibility under sub. (3) (e), (g) 1., (i), (im), and (j) for a license issued under this section. The department may not disclose information that it obtains under rules issued under this paragraph except to a sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

(9r) EMERGENCY LICENSE. (a) Unless the sheriff knows that the person is not qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license under this section to an individual who does not satisfy the requirements under sub. (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines that immediate licensure is warranted to protect the individual from death or great bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this paragraph shall notify the department and request an immediate background check under sub. (9g).

(b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a) is valid for 120 days from the date on which it is issued and may not be renewed.

2. If the department notifies the sheriff that an individual to whom the sheriff has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

(c) A sheriff may waive the fees that would otherwise be required under subs. (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license under par. (a) if requiring the individual to pay the fees would create a hardship for the individual. The department shall promulgate rules specifying the procedures and definitions that the sheriff is required to apply when determining whether an individual is eligible for a waiver of the fees for an emergency license under this section as provided under this paragraph.

(d) A person who has been issued a license under par. (a) may obtain a license under sub. (2) if he or she meets the qualifications specified under sub. (3) and completes the application process specified in sub. (7). A license issued to a person under par. (a) is void if the person is issued a license under sub. (2).

(10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding subs. (9) (a) and (15) (c), a sheriff shall issue or renew a license under this section to any of the following individuals without waiting 7 days or requesting a background check:

- (a) A law enforcement officer.
- (b) A correctional officer.
- (c) A probation, parole, and extended supervision agent.
- (d) A person who holds a current certification from the law enforcement standards board under s. 165.85 (3) (c).

(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS. (a) If a sheriff receives an application for a license under this section from a person who has committed a misdemeanor crime of violence and the per-

son is eligible for a license under sub. (3) (m), the sheriff may file a petition under this subsection asking the circuit court to enter an order barring the person from receiving a license. The petition shall allege that the person would pose a substantial risk to others if the person were granted a license under this section.

(b) The sheriff shall file any such petition in the circuit court of the sheriff's county, or if applicable, the circuit court of the county of issuance designated under sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving the person's completed application, unless the person was issued a license under sub. (9r). The court shall allow the person 30 days to file an answer to the petition. The court may hold an evidentiary hearing on the petition.

(c) If the court determines, by clear and convincing evidence, that the person would pose a substantial risk to others if the person were granted a license under this section, the court shall enter an order prohibiting the person from obtaining a license under this section.

(d) If the court denies the sheriff's petition, the court shall award the person costs and reasonable attorney fees.

(e) The court shall expedite any proceeding brought under this subsection.

(11) LICENSEE INFORMATION. (a) A sheriff who issues licenses to carry a concealed weapon under this section shall, within 5 days after issuing a license, notify the department that he or she has issued a license under this section and provide the department with the information specified in sub. (2m) (b) concerning the individual to whom the license was issued.

(am) The department shall maintain a computerized record listing the names of all individuals who have been issued a license under this section along with the information concerning each individual that is provided to the department by a sheriff under par. (a). After entering the information that it receives under par. (a), the department may not store, maintain, format, sort, or access the information in any way other than by the name of the licensee or the identification number assigned to the licensee under sub. (2m) (b) 8.

(c) 1. The department and any sheriff issuing licenses under this section shall provide information concerning a specific licensee to a law enforcement agency, but only if the law enforcement agency is requesting the information for any of the following purposes:

a. To confirm that a license produced by an individual at the request of a law enforcement officer is valid.

b. To confirm that the individual holds a valid license under this section, if the individual is going armed with a concealed weapon but is not carrying his or her license document and claims to hold a valid license issued under this section.

c. To investigate whether an individual intentionally falsely swore under sub. (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false state-

ment to a sheriff in connection with the individual's request for an emergency license under sub. (9r).

2. If the department maintains information compiled under this section regarding licensees through the transaction information for the management of enforcement system and a law enforcement officer uses that system in the context of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement officer may only obtain information from that system regarding the licensee's status as a licensee for the purposes listed in subd. 1.

(d) 1. In this paragraph:

a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for a federally recognized American Indian tribe or band in this state, a city, a village, or a town.

b. "Court automated information systems" means the systems under s. 758.19 (4).

2. The court automated information systems, or the clerk or register in probate, if the information is not contained in or cannot be transmitted by the court automated information systems, shall promptly notify the department of the name of any individual with respect to whom any of the following occurs and the specific reason for the notification:

a. The individual is charged with a felony, a misdemeanor crime of violence, a violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any other crime that, upon conviction, would disqualify the individual from having a license under this section.

b. The individual is charged with a drunk driving offense.

c. The individual is found by a court to have committed any offense described in subd. 2. a. or b.

d. Prosecution of a felony or a misdemeanor crime of violence for which the individual is charged is suspended under a deferred prosecution agreement.

e. The individual is found incompetent under s. 971.14.

f. The individual is found not guilty of any crime by reason of mental disease or mental defect under s. 971.17.

g. The individual is involuntarily committed for treatment under s. 51.20 or 51.45.

h. The individual is found incompetent under ch. 880.

i. The individual becomes subject to an injunction described in s. 941.29 (1) (f) or is ordered not to possess a firearm under s. 813.125 (4m).

j. A court has prohibited the individual from possessing a dangerous weapon under s. 969.02 (3) (c).

3. Upon receiving a notice under subd. 2., the department shall immediately determine if the individual who is the subject of the notice is a licensee, using the list maintained under par. (am). If the department determines that the individual is a licensee, the department shall

immediately inform the sheriff of the county that issued the license of the individual's name and the basis for the notice under subd. 2.

(12) **UPDATED INFORMATION.** (a) Within 10 days after being charged under federal law or the law of another state with any crime or any drunk driving offense, a licensee shall notify the sheriff of the county that issued his or her license of the charge.

(b) No later than 30 days after changing his or her address, a licensee shall inform the sheriff of the county that issued the license of his or her new address. The sheriff shall provide the individual's new address to the department for inclusion in the list under sub. (11) (am).

(13) **LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her license document or after his or her license document is destroyed, a licensee shall submit to the sheriff of the county that issued the license a notarized statement that his or her license document has been lost or destroyed. The sheriff shall issue a replacement license document upon receiving the notarized statement and a replacement license fee of \$15.

(14) **LICENSE REVOCATION AND SUSPENSION.** (a) A sheriff shall revoke a license that his or her county issued under this section if the licensee no longer meets all of the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

(am) 1. If any of the following occurs with respect to a licensee, the sheriff of the county that issued the license shall suspend the licensee's license:

a. The licensee is the subject of a pending civil or criminal case, the disposition of which could require revocation of his or her license under par. (a).

b. A court has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3) (c).

2. If the sheriff suspends a license under subd. 1., he or she shall restore the license if, upon disposition of the case, the person to whom the license was issued meets all of the criteria specified in sub. (3).

(b) 1. If a sheriff revokes or suspends a license under this section, the revocation or suspension shall take effect immediately.

2. A sheriff who suspends or revokes a license issued under this section shall send the individual whose license has been suspended or revoked notice of the suspension or revocation by certified mail within one day after the suspension or revocation. Within 7 days after receiving the notice, the individual whose license has been suspended or revoked shall deliver the license document personally or by certified mail to the sheriff.

(14m) **APPEALS.** (a) A person aggrieved by any action by a sheriff denying an application for a license or suspending or revoking a license under this section may appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit court of the county of issuance designated under sub. (2) (c).

(b) To begin an appeal under this subsection, the aggrieved person shall file a petition for review with the clerk of the applicable circuit court within 30 days after the date of the sheriff's action or, if applicable, within 30 days after the date of the notice provided to the person under sub. (9) (b) 2. The petition shall state the substance of the sheriff's action that the person is appealing from and the grounds upon which the person believes the sheriff's action to be improper. The petition may include a copy of any records or documents that are relevant to the grounds upon which the person believes the sheriff's action to be improper.

(c) A copy of the petition shall be served upon the sheriff either personally or by registered or certified mail within 5 days after the person files his or her petition under par. (b).

(d) The sheriff shall file an answer within 15 days after being served with the petition under par. (c). The answer shall include a brief statement of the actions taken by the sheriff, and a copy of any documents or records on which the sheriff based his or her action shall be included with the answer when filed.

(e) The court shall review the petition, the answer, and any records or documents submitted with the petition or the answer. The review under this paragraph shall be conducted by the court without a jury and shall be confined to the petition, the answer, and any records or documents submitted with the petition or the answer, except that in cases of alleged irregularities in procedure by the sheriff the court may take testimony that the court determines is appropriate.

(f) The court shall affirm the sheriff's action unless the court finds any of the following:

1. That the sheriff failed to follow procedure prescribed under this section.

2. That the sheriff erroneously interpreted a provision of law and a correct interpretation compels a different action.

3. That the sheriff's action depends on a finding of fact that is not supported by substantial evidence in the record.

(g) The court's decision shall provide whatever relief is appropriate regardless of the original form of the petition.

(15) **LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in sub. (9r) (b) 1., a license issued under this section is valid for a period of 5 years from the date on which the license is issued unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

(b) The department shall design a form notice of expiration and shall distribute the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this paragraph. At least 90 days before the expiration date of a license issued under this section, the sheriff who issued the license shall mail to the licensee a notice of expiration

and a form for renewing the license. The sheriff shall renew the license if, before the date the license expires, the licensee does all of the following:

1. Submits a renewal application on the form provided by the sheriff.

2. Submits a notarized affidavit swearing under oath that the information provided under subd. 1. is true and complete to the best of his or her knowledge and that he or she is qualified under sub. (3).

4. Pays all of the following:

a. A fee set by the sheriff that does not exceed either the cost to the sheriff of renewing a license issued under this section, including the cost of equipment purchase or rental, or \$75, whichever is less.

b. The fee for a background check specified in sub. (9g) (c).

c. A shooting range improvement fee of \$15.

d. A law enforcement excellence fund fee of \$15.

(c) The sheriff shall request that the department conduct a background check of a licensee as provided under sub. (9g) before renewing the licensee's license under par. (b).

(d) If an individual whose license has expired does not submit a renewal application under par. (b) before 6 months after the expiration date, the license shall permanently expire. An individual whose license has permanently expired may be issued a new license if he or she applies for a license under sub. (7).

(15m) PRIVATE EMPLOYER RESTRICTIONS. (a) Except as provided in par. (b), a private employer may prohibit a licensee or an out-of-state licensee that it employs from carrying a concealed weapon or a particular type of concealed weapon in the course of the licensee's or out-of-state licensee's employment or during any part of the licensee's or out-of-state licensee's course of employment.

(b) A private employer may not prohibit a licensee or an out-of-state licensee, as a condition of employment, from carrying a concealed weapon or a particular type of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment.

(16) PROHIBITED ACTIVITY. (a) Neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in any of the following places:

1. A place that has been declared a nuisance under ch. 823.

2. A police station, sheriff's office, or state patrol station. This subdivision does not prohibit a peace officer who is acting within the scope of his or her employment from carrying a concealed weapon in a police station, sheriff's office, or state patrol station.

3. A prison, jail, house of correction, or secured correctional facility.

4. A courthouse, except that a judge who is a licensee may carry a concealed weapon in a courthouse in which

he or she is presiding in court and may permit in writing any other licensee or out-of-state licensee to carry a concealed weapon in a courthouse in which he or she is presiding in court.

5. A place at which a school, college, or professional athletic event is taking place, unless the event is related to firearms and the licensee or out-of-state licensee is a participant in the event.

5m. A place at which an organized youth sporting event is taking place.

6. A school administration building.

7. Any premises for which a Class "B" or "Class B" license or permit has been issued under ch. 125, unless one of the following applies:

a. The licensee or the out-of-state licensee is a person described in s. 941.237 (3) (a), (b), (c), (cm), or (d).

b. If the licensee or the out-of-state licensee is carrying a handgun, his or her possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

8. An airport, unless the weapon is encased for shipment as baggage to be transported by aircraft.

9. A place in which carrying the weapon is prohibited by federal law.

10. A building or part of a building used for religious worship or another religious purpose.

11. A building or part of a building that is used to provide child care services.

12. A building or part of a building that is used for a domestic violence victim services program or by an organization that provides a safe haven for victims of domestic violence.

13. A building or part of a building used by a health care facility, as defined in s. 150.84 (2), or by a clinic or office that is used by a physician licensed under ch. 448.

14. A building located on the campus of a private or public university, college, or technical college.

15. A building or part of a building used for instructional purposes by a private or public university, college, or technical college.

16. A kindergarten facility or classroom.

(am) Notwithstanding par. (a) 10., 11., 12., and 13., the owner or authorized representative may permit a licensee or out-of-state licensee to carry a concealed weapon in any of the places mentioned in par. (a) 10., 11., 12., or 13.

(at) Neither a licensee nor an out-of-state licensee may carry a concealed weapon in a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and for the locked storage of weapons on the premises while the licensee or out-of-state licensee is in the building. This paragraph does not apply to:

1. Peace officers or armed forces or military personnel who go armed in the line of duty.

2. A person authorized to carry a weapon in the building by the chief of police of the city, village, or town or the sheriff of the county in which the building is located.

3. A person authorized to carry a weapon in the building by the chief of the capitol police, if the building is owned or leased by the state.

(b) Neither a licensee nor an out-of-state licensee may knowingly carry a handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following applies:

1. The individual is in a motor vehicle or on a snowmobile or bicycle.

2. The individual has exited a motor vehicle and is encasing the handgun or storing it in the motor vehicle.

3. The individual is traveling directly to any person's private property from his or her place of employment or business, from any person's private property, or from a place outside of the school zone.

4. The individual is traveling directly to his or her place of employment or business from another place of his or her employment or business, from any person's private property, or from a place outside of the school zone.

5. The individual is traveling directly to a place outside of the school zone from another place outside of the school zone, from any individual's private property, or from his or her place of employment or business.

6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

(c) Neither a licensee nor an out-of-state licensee may carry a weapon other than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she is a person described in or a person whose conduct is described in s. 948.61 (3).

(cm) 1. A person may not carry a concealed weapon if any of the following applies:

a. The person's alcohol concentration exceeds 0.08.

b. The person is under the influence of an intoxicant to a degree which materially impairs his or her ability to handle the weapon.

2. A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the same incident or occurrence. If the person is charged with violating both subd. 1. a. and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a fact for conviction which the other does not require.

(d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

(17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required to forfeit not more than \$25.

(b) Any person who violates sub. (2k) (e) or (16) may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

(c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or who intentionally makes a false statement to a sheriff in requesting or in connection with the issuance of an emergency license under sub. (9r) shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

(d) Any person who intentionally violates sub. (12) (a) shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

(e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license document to a sheriff who intentionally violates the requirements of that subdivision shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

(18) ACCESS TO RECORDS. Records created or kept under this section by the department or a sheriff, other than reports created under sub. (19) or records created under sub. (20), are not subject to access under s. 19.35.

(19) STATISTICAL REPORT. (a) By February 1 of each year, a sheriff who is issuing or renewing licenses under this section shall submit a statistical report to the department indicating the number of licenses applied for, issued, denied, suspended, and revoked under this section during the previous calendar year. For the licenses denied, the report shall indicate the reasons for the denials and the part of the application process during which the reasons for denial were discovered. For the licenses suspended or revoked, the report shall indicate the reasons for the suspensions and revocations.

(b) By March 1 of each year, the department shall submit a statistical report to the legislature under s. 13.172 (2) and to the governor that is compiled from the reports submitted under par. (a) and that indicates the number of licenses applied for, issued, denied, suspended, and revoked under this section during the previous calendar year. For the licenses denied, the report shall indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For the licenses suspended or revoked, the report shall indicate the reasons for the suspensions and revocations.

(20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall establish a law enforcement excellence fund. All money received by a sheriff from payments made under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance with s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this subsection.

(b) A law enforcement excellence fund established under this subsection shall be used to improve law enforcement services in the county and may not be used

to supplant or replace other funds otherwise available to the sheriff.

(20m) GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub. (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award grants to persons for construction or improvement of shooting ranges.

(b) A grant awarded under this subsection may be for up to 50% of the cost of the construction or improvement of the shooting range. A grant awarded under this subsection may not be used to pay for any of the following:

1. The construction of clubhouses and facilities that are not essential to the operation of the shooting range.
2. The operation and maintenance of the shooting range.

(c) In order to receive a grant under this subsection, the person creating or improving a shooting range shall agree to provide, for a fee of not more than \$20, a firearm safety course or class that will qualify an individual to satisfy the requirements under sub. (3) (h) for a license to carry a concealed weapon.

(d) In determining whether to make a grant under this subsection to a particular applicant, the sheriff shall consider the potential of the project to meet the needs of firearm safety courses or classes that meet the requirements under sub. (4m) in the area served by the shooting range relative to the proposed cost of the construction or improvement.

(21) IMMUNITY. (a) The department and its employees, sheriffs and their employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated information systems, as defined under sub. (11) (d) 1. b., and its employees, and counties and their employees are immune from liability arising from any act or omission under this section, if done in good faith.

(b) A person providing a firearm safety or firearm training course or class in good faith is immune from liability arising from any act or omission related to the course or class if the course or class is one described in sub. (3) (h).

(c) A business or a nonprofit organization that permits a person to carry a concealed weapon on property that it owns or occupies is immune from any liability arising from its decision to do so, if done in good faith.

(d) An employer that permits any of its employees to carry a concealed weapon under sub. (15m) is immune from any liability arising from its decision to do so, if done in good faith.

SECTION 22. 440.26 (3m) of the statutes is amended to read:

440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall allow the person to go armed with a concealed

weapon as permitted under s. 175.50 if the person is licensed under that section and shall meet the minimum requirements specified in 15 USC 5902 (b).

SECTION 23. 813.12 (6) (am) 1. of the statutes is amended to read:

813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

SECTION 24. 813.12 (6) (am) 2. of the statutes is amended to read:

813.12 (6) (am) 2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 25. 813.122 (9) (am) 1. of the statutes is amended to read:

813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

SECTION 26. 813.122 (9) (am) 2. of the statutes is amended to read:

813.122 (9) (am) 2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 27. 813.125 (5r) (a) of the statutes is amended to read:

813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

SECTION 28. 813.125 (5r) (b) of the statutes is amended to read:

813.125 (5r) (b) Except as provided in par. (c), the department of justice may disclose information that it receives under par. (a) only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 29. 885.235 (1g) (intro.) of the statutes is amended to read:

885.235 (1g) (intro.) In any action or proceeding in which it is material to prove that a person was under the influence of an intoxicant or had a prohibited alcohol concentration or a specified alcohol concentration while operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating a motorboat, except a sailboat operating under sail alone, while operating a snowmobile, while operating an all-terrain vehicle, while going armed with a concealed weapon, or while handling a firearm, evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she was under the influence of an intoxicant or had a prohibited alcohol concentration or a specified alcohol concentration if the sample was taken within 3 hours after the event to be proved. The chemical analysis shall be given effect as follows without requiring any expert testimony as to its effect:

SECTION 30. 885.235 (1g) (e) of the statutes is created to read:

885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact that the analysis shows that the person had an alcohol concentration of more than 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the analysis shows that the person had an alcohol concentration of 0.08 or more is prima facie evidence that he or she had an alcohol concentration of 0.08 or more.

SECTION 31. 938.396 (8) of the statutes is amended to read:

938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b) or to a sheriff

under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 32. 938.396 (8m) of the statutes is created to read:

938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1) (e), if committed by an adult, the court clerk shall notify the department of justice of that fact. Except as provided in par. (b), no other information from the juvenile's court records may be disclosed to the department of justice except by order of the court.

(b) If an applicant for a license to carry a concealed weapon under s. 175.50 was adjudicated delinquent as a juvenile in a case covered by par. (a), the department of justice may request permission to review court records relating to the case for the purpose of determining whether the applicant meets the requirement under s. 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by authorized representatives of the department of justice the records of the court relating to that case.

(c) The department of justice may disclose information provided or obtained under this subsection only as part of a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

SECTION 33. 941.20 (1) (a) of the statutes is amended to read:

941.20 (1) (a) Endangers another's safety by the negligent operation or handling of a dangerous weapon; ~~or,~~

SECTION 34. 941.20 (1) (b) of the statutes is amended to read:

941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under the influence of an intoxicant; ~~or,~~

SECTION 35. 941.20 (1) (bm) of the statutes is created to read:

941.20 (1) (bm) Goes armed with a firearm while he or she is under the influence of an intoxicant. This paragraph does not apply to a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is under the influence of an intoxicant or while he or she has an alcohol concentration, as defined in s. 340.01 (1v), that exceeds 0.08.

SECTION 36. 941.23 of the statutes is renumbered 941.23 (1) (intro.) and amended to read:

941.23 (1) (intro.) Any person ~~except a peace officer,~~ other than one of the following, who goes armed with a concealed and dangerous weapon is guilty of a Class A misdemeanor;:

SECTION 37. 941.23 (1) (a) of the statutes is created to read:

941.23 (1) (a) A peace officer.

SECTION 38. 941.23 (1) (b) of the statutes is created to read:

941.23 (1) (b) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon in that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

SECTION 39. 941.23 (1) (c) of the statutes is created to read:

941.23 (1) (c) An individual who goes armed with a concealed and dangerous weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, unless he or she is prohibited under federal or state law from possessing that weapon.

SECTION 40. 941.23 (2) of the statutes is created to read:

941.23 (2) An individual formerly licensed under s. 175.50 whose license has been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to accept or failure to receive a notice of revocation or suspension mailed under s. 175.50 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person has complied with s. 175.50 (12).

SECTION 41. 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and amended to read:

941.235 (2) (intro.) This section does not apply to peace any of the following:

(a) Peace officers or armed forces or military personnel who go armed in the line of duty or to any.

(b) A person duly authorized by the chief of police of any city, village or town, the chief of the capitol police or the sheriff of any county to possess a firearm in any building under sub. (1).

SECTION 42. 941.235 (2) (c) of the statutes is created to read:

941.235 (2) (c) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon, as defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

SECTION 43. 941.237 (3) (ct) of the statutes is created to read:

941.237 (3) (ct) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon in that state.

SECTION 44. 941.295 (2) (d) of the statutes is amended to read:

941.295 (2) (d) Any manufacturer or seller whose of electric weapons are used in this state solely by persons, unless the manufacturer or seller engages in the conduct described in sub. (1) with the intent to provide an electric weapon to someone other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use in his or her dwelling or place of business or on land that he or she owns, leases, or legally occupies.

SECTION 45. 941.295 (2g) of the statutes is created to read:

941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an electric weapon does not apply to any of the following:

(a) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon in that state.

(b) An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, unless he or she is prohibited under federal or state law from possessing that weapon.

SECTION 46. 941.295 (2r) of the statutes is created to read:

941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does not apply to any of the following:

(a) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon in that state.

(b) An individual who transports an electric weapon from any of the following places to any of the following places:

1. His or her dwelling.
2. His or her own place of business.
3. Land that he or she owns, leases, or legally occupies.

SECTION 47. 943.13 (1e) (bm) of the statutes is created to read:

943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 48. 943.13 (1e) (g) of the statutes is created to read:

943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

SECTION 49. 943.13 (1m) (b) of the statutes is amended to read:

943.13 (1m) (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent the licensee from going armed with a concealed weapon on the owner's or occupant's land.

SECTION 50. 943.13 (1m) (c) of the statutes is created to read:

943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or remains at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while going armed with a concealed weapon or with that type of concealed weapon. In this subdivision, "residence," with respect to

a single-family residence, includes all of the premises, and "residence," with respect to a residence that is not a single-family residence, does not include any common area of the building in which the residence is located.

2. While going armed with a concealed weapon, enters or remains in any part of a nonresidential building that the person does not own or occupy after the owner of the building, if he or she has not leased it to another person, or the occupant of the building has notified the actor not to enter or remain in the building while going armed with a concealed weapon or with that type of concealed weapon. This subdivision does not apply to a part of a building occupied by the state or one of its political subdivisions or to any part of a building used for parking.

SECTION 51. 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

943.13 (2) (am) (intro.) A person has received notice from the owner or occupant within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection paragraph under either of the following procedures:

1. If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this paragraph subdivision were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph subdivision.

SECTION 52. 943.13 (2) (bm) of the statutes is created to read:

943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches.

2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a nonresidential building has notified an individual not to enter or remain in that part of the nonresidential building while going armed with a concealed weapon or with a particular type of concealed weapon if the owner or occupant has done all of the following:

a. Posted a sign that is located in a prominent place near the primary entrance to the part of the nonresidential building to which the restriction applies.

b. Personally and orally notified the individual of the restriction.

SECTION 53. 943.13 (3) of the statutes is amended to read:

943.13 (3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) (am) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is subject to a Class C forfeiture.

SECTION 54. 946.32 (3) of the statutes is created to read:

946.32 (3) This section does not apply to offenses that may be prosecuted under s. 175.50 (17) (c).

SECTION 55. 948.605 (2) (c) of the statutes is created to read:

948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed handgun who is going armed with a concealed handgun as permitted under s. 175.50.

SECTION 56. 948.61 (3m) of the statutes is created to read:

948.61 (3m) This section does not apply to the possession of a weapon, as defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon who is going armed with a concealed weapon as permitted under s. 175.50.

SECTION 57. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the department of justice shall promulgate rules required under sections 165.25 (11) (a) and 175.35 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under those sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection.

SECTION 58. Effective dates. This act takes effect on the first day of the 5th month beginning after publication, except as follows:

(1) The treatment of sections 165.25 (11) (a) and 175.50 (2) (b), (2m), and (5) of the statutes and SECTION 57 (1) of this act take effect on the day after publication.